IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Crl.MC.No. 2462 of 2007()

ST.4247/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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PETITIONER:

PRAMOSH, AGED 37 YEARS, S/O.AYYAPPAN,
VETTIYATTIL HOUSE, KADAVALLOOR P.O., KADAVALLOOR DESOM,
THALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.K.V.SABU

RESPONDENTS:

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2462 of 2007

Dated this the 2nd day of August 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Cognizance has been taken. At the time of taking cognizance on an application filed by the complainant to issue warrant in lieu of summons, warrant of arrest was issued against the petitioner. The petitioner surrendered before the learned Magistrate and executed the bail bond. When the case was posted to 18/6/2007, that is allegedly the date of second posting, the learned Magistrate, dismissing the application filed by the petitioner, issued a non-bailable warrant against the petitioner. The said warrant is chasing the petitioner now. The petitioner is employed abroad. He is coming to India on 7/8/2007. He shall surrender before the learned Magistrate on 10/8/2007 and seek regular bail. Warrant of arrest may not be executed against him till then. His application for bail may be directed to be considered by the learned Magistrate on the date of surrender itself, submits the learned counsel for the petitioner.

2. I am satisfied that the said request of the petitioner can be allowed. Appropriate directions can be issued under Section 482 Cr.P.C.

3. In the result, this Criminal Miscellaneous Case is allowed. Warrant of arrest issued against the petitioner shall not be executed till 10/8/2007. On that day, the petitioner can surrender before the learned Magistrate and apply for bail. The learned Magistrate must proceed to pass appropriate orders on such application for bail on merits, in accordance with law and expeditiously on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007